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Spitzer Seeks Panel to Study Prison Closings

By [NICHOLAS CONFESSORE](#)

ALBANY, Feb. 2 — Moving to reverse decades of expansion, Gov. [Eliot Spitzer](#) is proposing a commission to study closing some of [New York State](#)'s dozens of prisons.

The effort would try to duplicate for the prison system the recent commission that studied closing hospitals around the state and issued a final report late last year. That report recommended shutting down at least 20 hospitals across New York and shrinking or merging dozens of others.

If the new commission is approved by the Legislature, New York may join the growing number of states that have sought to rein in high prison costs through closings or consolidations.

Behind Mr. Spitzer's proposal lies a recognition that New York's prison population, which peaked in 1999 at more than 71,000 inmates, has rapidly declined since.

Thanks to falling crime rates in New York City, fewer felony arrests and efforts by prison officials to move nonviolent offenders out of the system, the prison population has fallen by roughly 8,000 inmates since the peak, though it rose slightly last year.

Assistants to the governor said he would also create, through an executive order, a second commission to study changes to sentencing laws. Such measures have helped shrink inmate ranks in other states and could in New York, too.

But any effort to close state prisons will face formidable political obstacles. New York's sprawling network of prisons has created thousands of jobs upstate, where manufacturing jobs have been slowly disappearing.

Much like New York's vast array of state-supported hospitals — some of which lie more than half-empty for lack of demand — the \$2.7 billion-a-year state prison system has become, in effect, an economic development program.

Mr. Spitzer hopes to replace the state-subsidized employment on which upstate New York depends with

private-sector jobs and investment that could secure its future down the road.

But a powerful alliance of upstate lawmakers and correction officers' unions guard their constituents' and members' state-financed jobs and are likely to resist any effort to downsize the system.

A similar — and even more influential — alliance exists between health care unions, hospitals and Republican and Democratic lawmakers, some of them representing districts in which health care facilities, empty or not, are the largest employers.

Both the prison and health care coalitions have demonstrated their political potency in the past, mustering millions of dollars for campaign contributions and political ads to advance their agendas and punish politicians who have crossed them.

State corrections union officials say that they will make their views clear in the coming debate, too.

“We’re not open to any closures at this point,” said Lawrence Flanagan Jr., the president of the New York State Correctional Officers and Police Benevolent Association, which has donated at least \$1.8 million to state politicians in recent years.

He added: “If anything, the prison population has increased. It went up 500 this last year.”

Likewise, many Republican state senators say they are dismayed at the possibility of sacrificing constituents' livelihoods in the short term to Mr. Spitzer's agenda, regardless of the long-term benefits he anticipates.

“I’m very concerned about the commission,” said Senator Elizabeth O’C. Little, [a Republican](#) whose Adirondacks district includes 12 prisons and prison camps. Five of them are in Franklin County, which has roughly one inmate for every 10 residents, according to census figures, the highest concentration in the state.

“They have a tremendous economic impact,” Ms. Little said. “There are over 5,000 corrections officers living in my district. In most of these communities, the prisons are the biggest employer. It’s not just corrections officers, but secretaries and other staff, too.”

Indeed, between 1990 and 2006, according to research by the Public Policy Institute of New York State, two-thirds of the net new jobs upstate were paid for by taxpayers. That includes jobs in prisons, other government positions and some jobs in health care and social assistance.

“Up in the north country, you used to just think of hanging out a sign that says ‘Prisons-R-Us,’ ” said Kent Gardner, president of the Center for Governmental Research, based in Rochester. “Pretty much every rural town in the state was angling for these facilities.”

Little surprise, then, that some past efforts to close prisons have failed. Governor [George E. Pataki](#) tried repeatedly to include such closings in the state budget, only to have the Legislature reject those plans.

Mr. Flanagan of the corrections union said that his group had been “very, very forward and aggressive last year and in the year prior to that.”

Lawmakers have acted, too, approving several measures in recent years to protect the prison system against rapid shrinkage. Under current law, before the state can close a prison it must give a year’s notice to employees, and officials are required to explore options for converting prisons to other uses, such as low-cost housing.

“In response to lobbying from the local upstate towns and the correction officers’ union, the Legislature has made it much more difficult for the executive to close prisons, even after a time of significant decline in the population,” said Robert Gangi, executive director of the Correctional Association of New York, an advocacy group for inmates.

To end the stalemate on hospital closings, lawmakers eventually consented to put those decisions in the hands of a commission. Headed by the financier Stephen Berger, the hospital commission held a number of hearings and listened to hours of testimony from hospital officials and local leaders.

But the commission’s final recommendations nevertheless set off a political firestorm, including at least one lawsuit. Now some lawmakers say they are reluctant to go down the same road with prison closings.

“I’m a little wary of the governor’s proposal,” said Senator George H. Winner Jr., a Republican whose district in the Southern Tier includes maximum-security prisons in Elmira and Southport. “Just coming off of a rather arduous Berger Commission experience, I think the Legislature will look a little skeptically at whether or not this is the way to go.”

In an interview, Laura Anglin, the governor’s first deputy budget director, said a commission was the best way to reach a compromise on prisons with maximum public involvement.

“It’s always difficult to look at things like this,” she said. “That is why we thought we would go the commission route, so that there would be public involvement, it would require public hearings and that way get the issues out in the open instead of forcing something.”

Both Mr. Spitzer and his staff have also stressed that no closings are imminent and that the creation of the commission itself, which would be wrapped into the state budget, must still past muster with the Legislature.

“We don’t have any closures listed yet; we’ve only been here 31 days,” the governor said last week in his budget address. “I don’t want to suggest that it’s happening soon.”

The question is whether it will happen at all. Although [Joseph L. Bruno](#), the Republican majority leader of the Senate, has said he is open to a prison commission, other Republicans suggested that closings might not be their first concern.

“We see that there is a growing need for more maximum-security cell space,” said Senator Michael F. Nozzolio, chairman of the Senate committee that has jurisdiction over prisons. Though there are fewer nonviolent offenders in prisons, he said, too many dangerous inmates are still being housed in inadequate facilities.

“We also believe that there needs to be a more planned approach to this entire correctional system,” Mr. Nozzolio said. “We’ve requested and demanded and have yet to see, really, a real plan for full utilization.”

Mr. Nozzolio also said that he planned to use upcoming confirmation hearings for Mr. Spitzer’s criminal-justice appointees “to gauge the administration’s positions on these issues.”

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